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10/690,770	10/21/2003	Paul Resnick	RESP101CIP	6946

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EXAMINER
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GISHNOCK, NIKOLAI A

ART UNIT	PAPER NUMBER
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3714

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01/09/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/690,770	Applicant(s) RESNICK, PAUL	
	Examiner Nikolai A. Gishnock	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 11-13, 15-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-13, 15-18 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

In response to Applicant's remarks, filed 10/18/2007, claims 9, 10, 14, & 19 are cancelled.

Claims 1-8, 11-13, 15-18, & 20 are pending.

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/18/2007 has been entered.

### ***Claim Objections***

2. Claim 18 is objected to because of the following informalities: Claim 18 depends from cancelled claim 14. Claim 18 is treated herein as depending from claim 11. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-8, 11-13, 15-18, & 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one

skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Support for the limitation "from which a holder of the financial account may withdraw cash or other legal tender" in lines 7-8 of claim 1, lines 6-7 of claim 11, and lines 5-6 of claim 20, were not found in the Applicant's disclosure as originally filed. Further, support for the limitation "disclosing to a holder of a financial account the legal-tender deposit value only after the holder has successfully completed at least one educational game" in lines 21-23 of claim 1, lines 16-18 of claim 11, and lines 33-35 of claim 20, were not found in the Applicant's disclosure as originally filed. Dependent claims 2-8, 12, 13, & 15-18 inherit this deficiency. This is a New Matter rejection.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-8, 11-13, 15-18, & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelton et al. (US 6,729,884 B1), hereinafter known as Kelton, in view of Lotvin et al. (US 5,907,831), hereinafter known as Lotvin.

8. Kelton teaches a method for teaching financial management skills to children (game is for teaching personal values and financial responsibility to the younger child, 3:8-22) in an arrangement comprising at least one information system network (Internet access, 7:20-21), said network connecting at least one personal display device to at least one information-provider computer (To play the game, a child requires Internet access. Preferably, a child requires computer equipment including a computer hard drive, a display monitor, a keyboard, a device for selection, a modem (or other access to the Internet), and speakers, 7:20-31) and at least one financial institution server (It is an object of the present invention to provide a marketing system between a financial institution and a retailer by providing the game of the present invention to the younger child through the auspices of the financial institution and by providing redeemable awards at the retailer, 5:41-45), said method comprising the steps of: displaying a graphic user interface upon said personal display device (the game is played on-line by the child using a personal computer with a web-browser having access to the Internet and the World Wide Web, 10:1-4; a web browser is understood to encompass a GUI), said graphic user interface having at least one educational game operatively linked to a stored value financial transaction account (The child's parents may set up on-line funds in an on-line banking account for their child. The parent may set aside some of the on-line funds for the purchase of e-Critters for use in the game of the present invention. This allows the child to gain access to the on-line funds without the assistance of the child's parents. The parent may set up an on-line banking account for the child by enrolling the child in the game, 12:22-38) from which a holder of the stored value financial transaction account may withdraw (for banks marketing this game,

the "Critter Cave and Account" area may allow typical banking transactions such as savings account deposits from parents, 11:28-31; the parent sets up the electronic commerce account (e-commerce, "E-money account", "account", or "on-line bank account") for the child in the e-Critters website. The parent funds the account with real money (funds). The parent allocates a portion of the account for the child to purchase on-line e-Critters and/or for the child to spend as "Crittercash Points". All of the funds in the account are available to the child through the child's password. All activities/transactions concerning the account are recorded in the account information and can be reviewed by the parent at any time, 14:43-56); relaying information including transaction requests from said graphic user interface to said stored value financial transaction account (e-Critters are traded by the child to other children in an e-Critter market, a virtual market for trading the e-Critter on-line (e-trading). The e-Critter market is entered via a "Swap It" choice via a "Critter Cave" link, 8:39-43) according to a system of rules designated by an account administrator (The game of the present invention is varied by the game site operator {administrator} by controlling the flow of e-Critters into the game, creation of new e-Critters, and creation of new adventure story activities {a system of rules}, Preferably, the game site operator uses the combination of the collectability/stock model and the system algorithm model to value the e-Critters, 8:56-64; also, the game is accessed by the child via a URL for the game site of the present invention. The game site operator is preferably a financial institution, or a service provider for a financial institution or other provider, 7:33-39); relaying account information from said stored value financial transaction account to said graphic user interface according to said system of rules (a tally or score of the points accumulated by the child while playing the game are kept by the game site operator along with information about the virtual collectible creature and account information associated with the child and a tally of total points accumulated. After the adventure story activity of the game is completed, the child is encouraged to review his/her

account information and make choices regarding trading and valuing of the e-Critter, saving points, risking points and/or redeeming points to purchase merchandise from one or more participating partners, 9:15-27); processing a variety of inputs from said graphic user interface, including conducting at least one financial transaction from direction received from said game (the system adds, withdraws, and transfers points, calculates gains and losses for open accounts, and updates control parameters, 23:22-62); accepting at least one deposit into said stored value financial transaction account from at least one depositor (The system receives a message from the server to add points when the child wins awards and/or the parent adds money to the customer account. The system verifies the account status, verifies the request to add points, updates the account balance, records the add points transaction and returns a confirmation and an account current balance. This is accessible to the child in the account information, 23:26-33), each of said at least one deposits having a legal-tender deposit value (The child's parents may set up on-line funds in an on-line banking account for their child, 12:26-28; also, the younger child may encounter real value of an item when purchasing a toy or a food type items. In the adult economy, value is based on "real value" in an open market. An example of the real value of an item is the retail price of an item like a toy or a food purchase, such as a loaf of bread, 3:56-65; thus the on-line funds are understood to have a real value); notifying said at least one depositor who has made said at least one deposit when said at least one deposit has been received in said stored value financial transaction account (All activities/transactions concerning the account are recorded in the account information and can be reviewed by the parent at any time, 14:43-56); notifying said holder of said stored value financial transaction account and an account administrator when said at least one deposit has been received in said stored value financial transaction account (the child is able to review his/her account information by clicking on the "Scores & Stuff" link. This links the child to the

child's account information, as best shown on an account screen display in FIG. 17. In reviewing the account information, the child is able to see a historical view of his/her account and carry out transactions on his/her account. The account information is used by the child to deposit points, track performance, calculate gains, calculate losses, allow withdrawals to spend points and allow transfers (1 to 1) between investments, 21:5-14; also, to implement the enrollment and the account information, the game site operator of the game site utilizes a web application server to provide interactive and accounting features of the present invention, 23:1-62); and disclosing to said holder of said stored value financial transaction account said legal-tender deposit value only after said holder of said stored value financial transaction account holder has successfully completed at least one of said educational games (After the adventure story activity of the game is completed, the child is encouraged to review his/her account information, 9:15-27; also, the method comprises the steps of: (1) providing the aforementioned Internet-based game of the present invention for teaching personal values and financial responsibility to the child; (2) providing the child with access to the adventure story activity and providing the selectable story element for the child to select; (3) providing the child with the interactive game events for the child to interact with and providing the assignment of the award for the child to receive; and (4) providing the account information for the child to review, 3:33-46; it is understood that the child receives account information such as a deposit value *after* the game is played); and wherein inputs created from said game are connected to said financial account and a system of administration allows said inputs to perform financial transactions (8:39-64, as above) [Claims 1 & 11].

9. Kelton further teaches an interactive educational banking method comprising the steps of: creating an account with a financial institution (The child's parents may set up on-line funds in an on-line banking account for their child, 12:26-28), linking said account to an application



software (The parent may set aside some of the on-line funds for the purchase of e-Critters for use in the game of the present invention. This allows the child to gain access to the on-line funds without the assistance of the child's parents. The parent may set up an on-line banking account for the child by enrolling the child in the game, 12:29-38); establishing a system of administrative rules governing the activities and access to said account, said system of administrative rules governed by an account administrator (The game of the present invention is varied by the game site operator {administrator} by controlling the flow of e-Critters into the game, creation of new e-Critters, and creation of new adventure story activities {a system of rules}, Preferably, the game site operator uses the combination of the collectability/stock model and the system algorithm model to value the e-Critters, 8:56-64); displaying on a personal computer an opening display wherein a party is asked to submit a password (The "Adventure & Games" link allows the child to enroll and to begin to play the game of the present invention. FIG. 3 is a log-in and enrollment screen display of the present invention. The log-in allows the child access to the game site and to any active on-line banking accounts the child may have. The link enables a new game player (the child and/or the parent) to set up an on-line banking account for playing the game. Demographic data is collected, as well as standard COPPA-complaint information. The child is identified as a "customer", and selects a user identification name, a user id, and a password, 14:15-27; see also Figure 3, 11:5-10, and 15:1-9); receiving a login name and password entry from said personal computer (14:15-27; see also Figure 3, 11:5-10, and 15:1-9); and matching said name/password pair with a designated account (14:15-27; see also Figure 3, 11:5-10, and 15:1-9); displaying on said personal computer a graphic user interface (the game is played on-line by the child using a personal computer with a web-browser having access to the Internet and the World Wide Web, 10:1-4; a web browser is understood to encompass a GUI), said user interface customizable to reflect the desires, attitudes, age and

personality of a user (e-commerce account is a customer profiling application of the child, collecting customer profile information that can be used by the partner and/or sponsor to develop a more meaningful relationship with the child. The account maintains the identity of the child, a record of personal preferences of the child, a record of the child's recent purchases with Crittercash Points and a record of the child's preferences for goods/services, 25:44-52; a record of personal preferences is understood to encompass desires, attitudes, age, and personality of the child), said graphic user interface comprising a variety of desired educational games, activities, and presentation formats (adventure story including one or more physical dexterity games and word games, 14:16-16:65); receiving information from said graphic user interface (10:1-4); sending information to said financial institution server (the system prompts the child for information and passes messages with the web application server, 23:1-62); connecting said graphic user interface with an electronically accessible banking account within an electronically accessible banking system located upon said financial institution server (a check by the system is done to verify if the child has an account, 23:1-62; the child's parents may set up on-line funds in an on-line banking account for their child for use in the game, 12:22-38), said account able to receive deposits from a variety of sources and disperse payments and withdrawals (as in 23:22-62), according to said system of administrative rules (account 12:22-38; receives deposits and disperses withdrawals, 11:22-38 & 14:43-56; according to rules, 8:56-64); regulating a flow of information between said graphic user interface and said account according to said system of rules and regulations (8:56-64); receiving information from said financial institution server into said application (23:1-62); transmitting information from said application to said graphical user interface (23:1-62); receiving deposits from a variety of depositors (such as parents and teachers, 11:55-65) into said account, each of said deposits having a legal-tender deposit value (parents set up on-line funds in an account, 12:26-28; also, 3:56-65; the on-line funds are

understood to have a real value); notifying said depositors when said deposit has been received (parents can review account transactions, 14:43-56); notifying said account holder and said account administrator when deposits have been placed within said account according to said system of administrative rules (child sees and performs account transactions, 21:5-14; also game site operator controls account according to points awarded and transactions, 23:1-62); disclosing to said account holder said legal-tender deposit value only after said account holder has successfully completed at least one of said variety of desired educational games or activities (the method comprises the steps of: (3) providing the child with the interactive game events for the child to interact with and providing the assignment of the award for the child to receive; and (4) providing the account information for the child to review, 3:33-46; it is understood that the child receives account information such as a deposit value *after* the game is played); receiving requests from said account holder for information transmittal, funds withdrawals, purchases, and transactions from said account (child sees and performs account transactions, 21:5-14; points are added, withdrawn, and transferred, 23:1-62); processing said requests according to said system of administrative rules (by the web application server, 23:1-62); updating account balances as transactions and requests are completed (system updates the account balance, 23:1-62); and transmitting reports regarding said account, and said games to said account administrator and to said depositors (account is reviewed by parents, 14:43-56; child, 21:5-14, and game site operator, 23:1-62, see also 9:15-20) [Claim 20].

10. Kelton teaches storing a child's redeemable points and preferences on a smart card, which can be used at a reader or kiosk (25:41-64). What Kelton fails to explicitly teach is an account from which a holder may withdraw cash or other legal tender [Claims 1, 11, & 20]. However, Lotvin teaches a computer system and method for providing educational material and tasks to a child, where the child is rewarded with points on completing a particular educational

task, where parents authorize the system to periodically allow direct account withdrawal when redeeming points (1:40-2:35). Lotvin teaches where the educational tasks can be games (9:46-65) Lotvin also teaches providing rewards rewards to a child user stored as money on a smart card, where the money is available through the use of the smart card (21:4-9). The system and method of Kelton, which provides points and prizes to a child as a reward for completing educational games directed toward learning about financial management skills, would also disburse cash or legal tender to a child as a reward via the smart card, as taught by Lotvin. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have the accounts taught by Kelton for rewarding children when teaching financial management allow the withdrawal of cash or legal tender as a reward, as taught by Lotvin, in order to redeem the reward value off-line, such as on transportation rides, where network access is unavailable to confirm the user's point value, or otherwise where cash is normally accepted [Claims 1, 11, & 20].

11. Kelton teaches wherein said stored value financial transaction account is a stored value account able to receive deposits from a variety of sources and to disperse payments and withdrawals upon direction from an account holder (the system allows the child to withdraw points, etc., 23:1-62) [Claim 2].

12. Kelton teaches establishing a system of account administration rules wherein said rules govern the flow of information and transactions through said graphic user interface and through said stored value financial transaction account (The game of the present invention is varied by the game site operator {administrator} by controlling the flow of e-Critters into the game, creation of new e-Critters, and creation of new adventure story activities {a system of rules}, Preferably, the game site operator uses the combination of the collectability/stock model and the system algorithm model to value the e-Critters, 8:56-64) [Claim 3].

13. Kelton teaches wherein said graphic user interface is customizable according to the desires of a user to include information, presentations and formats selected by said user (e-commerce account maintains the identity of the child, a record of personal preferences of the child, a record of the child's recent purchases with Crittercash Points and a record of the child's preferences for goods/services, 25:44-52; a record of personal preferences is understood to encompass desires of the child, the records of recent purchases are further understood to be presentations of information, having particular formats) [Claim 4].

14. Kelton teaches updating account balances as transactions and requests are completed (system updates the account balance, 23:1-62) [Claim 5].

15. Kelton teaches monitoring the movements and progress of said user in playing said games; and assessing the ability and progression of said user's movements and progress (The child must successfully complete the physical dexterity games and/or educational activities of the game of the present invention to advance to the end of the adventure story activity, 15:10-17:22; see also Figures 7-9) [Claim 6].

16. Kelton teaches preparing reports regarding said account and said monitoring (account is reviewed by child, 21:5-14; see also 9:15-20) [Claim 7].

17. Kelton teaches transmitting said reports to said account administrator and to depositors (account is reviewed by parents, 14:43-56, and game site operator, 23:1-62; see also 9:15-20) [Claim 8].

18. Kelton teaches wherein said game is an educational computer game [Claim 12], and wherein said game is a children's educational game [Claim 15] (The present invention includes an Internet-based game that engages the younger child through activities that mitigate financial risk and closely mimic a child's values. The game is for teaching personal values and financial responsibility to the younger child, 3:8-22) [Claims 12 & 15].

19. Kelton teaches regulating the processing of transactions based upon a system of administrative rules, said system of administrative rules outlining the restrictions on the processing of transactions (the system allows the child to withdraw points, etc., 23:1-62; points are awarded according to game rules, 8:56-64) [Claim 13].

20. Kelton teaches wherein said display device is a personal computer (To play the game, a child requires Internet access. Preferably, a child requires computer equipment including a computer hard drive, a display monitor, a keyboard, a device for selection, a modem (or other access to the Internet), and speakers, 7:20-31) [Claim 16].

21. Kelton teaches wherein said display device is a personal digital assistant [Claim 17], and wherein said display device is a cellular telephone [Claim 18] (the child may play the game via a PDA, a mobile phone, an Internet appliance or another Internet enabled device, 7:31-33) [Claims 17 & 18].

### ***Response to Arguments***

22. Applicant's arguments filed 10/18/2007, see pages 10-11, have been fully considered but they are moot in view of the new grounds of rejection. Applicant's explanation of support for the new limitations of claims 1, 11, & 20, see page 10, are not convincing because "Show Me the Money" appears to be the name of the game played by the user Mikey, understood to be a maze game. No support was found that the *objective* of the game is for the child to uncover the cash or legal tender value of a deposit, or that the deposit value is revealed to the child *only after* the game is successfully completed. Further, withdrawing cash or legal tender from a bank or credit account is old and well-known, in light of cash advances from credit card accounts.

***Conclusion***

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Beacham (US 2003/0088490 A1) discloses a system and method of teaching minors to make stock market transactions via the Internet.
- Joffe (US 2002/0164561 A1) discloses a board game and remote, computer-driven embodiment of teaching financial management.
- Kiyosaki et al. (US 6,106,300) discloses a board game teaching personal finance, investing, and accounting to children.
- Nation et al. (US 2007/0203711 A1) discloses a computer system for electronic training courses.
- Sloan et al. (US 7,135,837 B2) discloses a communication interface for financial modeling and counseling.
- Von Kohorn (US 5,697,844) discloses rewarding users for playing computer games by awarding redeemable points.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nikolai A. Gishnock whose telephone number is 571-272-1420. The examiner can normally be reached on M-F 8:30a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Application/Control Number:  
10/690,770  
Art Unit: 3714

Page 15

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1/4/2008

  
Xuan M. Thai  
Supervisory Primary Examiner  
TC 3700 - Art Unit 3714